

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

ESRIEL PRADO

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08cv175DCB-MTP

CONSTANCE REESE, et al

DEFENDANTS

JUDGMENT

This matter having come on to be heard on this date upon the Report and Recommendation of the United States Magistrate Judge entered in this cause, and the Court, after a full review of the record, having adopted said Report and Recommendation as the finding of this Court by Order dated this day, finds that the Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment [18] should be granted and this matter should be dismissed without prejudice for Plaintiff's failure to exhaust.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment [18] is granted and the above captioned cause be, and the same is hereby, dismissed without prejudice for Plaintiff's failure to exhaust.

SO ORDERED this the 22nd day of December, 2008.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE